

## **MINUTES**

### **UTAH Chiropractic Physician Licensing Board MEETING**

**April 12, 2007**

**Room 475 – 4th Floor – 9:00 a.m.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:05 a.m.

**ADJOURNED:** 12:20 p.m.

**Bureau Manager:**  
**Board Secretary:**

Daniel T. Jones  
Lee Avery

**Board Members Present:**

Theodore J. Scott, DC, Chairperson  
Lew Wheelwright, DC  
James D. Knight, DC  
Gordon McClean Jr., DC  
Ed Sperry

**Guests:**

Trev Wilde  
Tim Apgood

#### **TOPICS FOR DISCUSSION**

##### **ADMINISTRATIVE BUSINESS: MINUTES:**

##### **Discussion:**

#### **DECISIONS AND RECOMMENDATIONS**

The minutes from January 11, 2007 were reviewed Dr. Knight motioned to accept the minutes, seconded by Dr. McClean. The motion carried unanimously.

Mr. Jones advised the Board he has reviewed the statutes with Mr. Carl Perry from the Attorney General office regarding concerns with Chiropractic Assistants and radiology. Mr. Jones stated Mr. Perry reviewed the statutes and it is Mr. Perry's opinion the Chiropractic Physicians statutes allow the assistants to do x-rays and to advise Mr. Jones if citations are issued. Mr. Jones stated if citations are issued the citations will be challenged in a hearing and the Chiropractic Physician will not be disciplined by this Division. Mr. Jones noted if the equipment is faulty and they receive a citation for this, the citation stands.

The Board briefly discussed setting guidelines to maintain consistency between the probationers and their Stipulations/Memorandum of Understanding. Mr. Jones stated the Division is working to keep these as consistent as possible, noting each individual and circumstances will be specific to meet specific needs. The Board expressed concerns regarding the charges being of an egregious nature and a public safety issue, once the division probation is completed, place conditions on the license.

Mr. Jones briefly reviewed the differences between a license being revoked and suspended and noted by statute the Division probations timeframe can not exceed five (5) years and once the probation is over, the Division can no longer make conditions regarding the license.

#### **APPOINTMENTS:**

Dr. Michael Wimmer, DC – Probation  
Interview

Dr. Wimmer presented himself to the Board. Dr. McClean conducted the interview. Dr. Wimmer advised the Board things were going well, noting some insurance companies have dropped him as a provider because his license was placed on probation. Dr. Wimmer stated he attends counseling two (2) times a month and he also attends family counseling. His office has been rearranged, doors have been removed from treatment rooms, a staff member is with him at all times with all female patients recording everything. Dr. Wimmer stated his wife continues to work in the office and he meets with colleagues for luncheons. Dr. Wimmer is obtaining continuing education covering boundary issues. The Board encouraged Dr. Wimmer to contact National Board of Chiropractic Examiners (NBCE) for their Ethics and Boundary course. Mr. Jones stated he will give Dr. Wimmer a letter from the Board for NBCE stating Dr. Wimmer is required to take the exam if needed. The Board expressed concern Dr. Wimmer is not accepting full responsibility for his actions, however encouraged Dr. Wimmer to continue in the positive direction he is heading. The Board asked to see Dr. Wimmer in October 2007. **In Compliance.**

Discussion:

The Board briefly discussed reference material regarding the ethics exam through NBCE and decided to table this until the next Board meeting.

The Board briefly discussed supervising or mentoring physicians for probationers.

Dr. Derek Birch, DC - New Probation  
Interview

Dr. Birch presented himself to the Board. Dr. Scott conducted the interview. Dr. Birch briefly reviewed his Stipulation with the Board and outlined the reasons he is before it. After discussing the specific charges in detail the Board expressed numerous concerns especially Dr. Birch allowing modalities being performed in his office for which he has not received appropriate training. The Board noted Dr. Birch's probation is for three (3) years and encouraged Dr. Birch to contact National Board of Chiropractic Examiners (NBCE) for the Ethics and Boundaries course UVSC for a Business ethics course. The Board asked Dr. Birch to bring information regarding the above classes to the Board when he meets with it again. The Board asked to see Dr. Birch July 2007.

Dr. Jace Ferguson, DC – Probation Interview

Dr. Jace Ferguson presented himself to the Board. Dr. Knight conducted the interview. Dr. Ferguson briefly reviewed his stipulation and the criminal charges with the Board. Dr. Ferguson advised the Board he completed a medical billing class and gave the documentation to Mr. Jones. Dr. Ferguson stated he is self employed and there has been no change in his address. The Board asked to see Dr. Ferguson in April 2008. **In Compliance**

Dr. Ronald Rosquist, DC – New Probation  
Interview

Dr. Rosquist presented himself to the Board. Dr. Wheelwright conducted the interview. Dr. Rosquist briefly reviewed his stipulation and the charges with the Board. The Board expressed concerns regarding Dr. Rosquist crossing boundaries both touching and

verbally and encouraged Dr. Rosquist to contact National Board of Chiropractic Examiners (NBCE) regarding their Boundary and Ethics course. Dr. Rosquist advised the Board he has taken the NCIC Professional Boundaries course and has talked with a counselor through his church services who specializes in sexual boundaries issues. Dr. Rosquist advised the Board he has made changes in his office, i.e. he does not see a female patient without an assistant present. The assistant signs off on the chart stating they were there. The Board expressed concerns regarding doctors becoming isolated and encouraged Dr. Rosquist find a mentor and encouraged him to find a twelve (12) step program. The Board asked to see Dr. Rosquist in July 2007.

Dr David Hawkins, DC, - New Probation  
Interview

Dr. Hawkins presented himself to the Board. Mr. Sperry conducted the interview. Dr. Hawkins reviewed his stipulation and the charges with the Board. After discussing the Boards concerns with Dr. Hawkins the Board encouraged him to seek a college level business course for the Boards approval at the July meeting and encouraged Dr. Hawkins to take the National Board of Chiropractic Examiners (NBCE) the Boundary and Ethics exam. The Board strongly encouraged Dr. Hawkins to find a mentor to come to his office, review his records and practices and then meet with the Board. The Board advised Dr. Hawkins he needs to bring a written statement from all employees stating they have read his stipulation. The Board asked to see Dr. Hawkins in July 2007.

Dr. Jeffrey Hebert, DC – Proposed  
Chiropractic Fellowship Program

Dr. Hebert presented himself to the Board. Dr. Hebert gave the Board a handout regarding a proposed University of Utah Chiropractic Fellowship Program for new chiropractic students. The Board talked with Dr. Hebert in detail and noted the changes would require a statute change. The Board took no action at this time.

**BUSINESS FROM PREVIOUS MEETING:**  
None

**ADJOURN:**

Motion to adjourn by Dr. Knight at 12:20 pm

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

July 12, 2007  
Date Approved

(ss) Theodore Scott, DC  
Chairperson, Utah Chiropractic Physician Licensing Board

July 12, 2007  
Date Approved

(ss) Daniel T. Jones  
Bureau Manager, Division of Occupational & Professional  
Licensing